

July 13 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0556

DA 09-0605

FILED

JUL 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DONNIE MACK SELLERS,

Defendant and Appellant.

On May 26, 2010, Appellant Donnie Mack Sellers (Sellers) filed a motion to remove all State and private attorneys assigned to represent him on appeal. The briefing process in these causes was stayed by Court order of February 18, 2010, pending resolution of a claim of conflict of interest between the Office of State Public Defender (OSPD) and Office of Appellate Defender (OAD) on which we heard oral argument on April 21, 2010. Sellers was represented in the oral argument by counsel contracted by the OAD to represent him.

In conjunction with his current motion, Sellers has also filed a Notice to All Parties in Pro Se Representation in which he states that he assumes that his temporary counsel is no longer assigned to him. Sellers asks that the OAD be removed from representing him by contract counsel or directly, and that a "non-conflict" attorney be appointed. If the Court refuses to grant this request, Sellers provides a litany of demands that he believes must be met in order for him to represent himself.

Given that the instant motion and notice is intertwined with the issue of an alleged conflict of interest between OSPD and OAD now pending before this Court for decision,

IT IS ORDERED that this motion and Sellers' notice shall be held in abeyance pending the issuance of our opinion in the conflict of interest matter.

The Clerk shall provide a copy of this Order to counsel of record and to Sellers personally.

DATED this 13th day of July, 2010.

Sabrina Cotter

James S.
W. William Laythum

Joe Rice

Justices